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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. TOMAS SANTILLANES-LOPEZ, Defendant(s).	Criminal Case No. 07CR3108-W DATE: January 7, 2008 TIME: 2:00 p.m. Before Honorable Thomas J. Whelan UNITED STATES' STATEMENT OF FACTS AND MEMORANDUM OF POINTS AND AUTHORITIES

I

STATEMENT OF THE CASE

The Defendant, Tomas Santillanes-Lopez (hereinafter "Defendant"), was charged by a grand jury on November 14, 2007 with violating 21 U.S.C. §§ 952 and 960, importation of cocaine, and 21 U.S.C. § 841(a)(1), possession of cocaine with the intent to distribute. Defendant was arraigned on the Indictment on November 20, 2007, and entered a plea of not guilty.

II

STATEMENT OF FACTS

Defendant was apprehended on the morning of November 4, 2007, by United States Customs and Border Protection ("CBP") Officers at the Calexico, California (West) Port of Entry. There, Defendant entered the vehicle inspection lanes as the driver and registered owner of a 1999

Nissan Sentra ("the vehicle"). He was accompanied by two passengers, Miranda Hernandez-Mendoza and her minor son.

At primary inspection, a CBP Officer asked Defendant where he was going. Defendant stated that he was traveling to Mecca, California. Defendant and the vehicle were then referred to the secondary lot for further inspection.

At secondary inspection, Defendant told a CBP Officer that he was only bringing an ice chest from Mexico. Defendant appeared nervous when answering questions, and his hands were shaking badly. The CBP Officer then requested a canine inspection from another CBP Officer, who utilized his Narcotics Detector Dog to screen the vehicle. The canine alerted to the presence of narcotics emanating from the vehicle. Upon further inspection of the vehicle, a total of 17 packages of a white powdery substance were recovered from the gas tank of the vehicle, weighing a total 19.00 kilograms, which later field-tested positive for the presence of cocaine. Defendant was arrested; Miranda Hernandez-Mendoza and her minor son were later released.

In a post-Miranda statement, Defendant admitted that he was paid $500.00 in advance for expenses while smuggling the narcotics into the United States. Defendant stated that this was the third time he had attempted to smuggle narcotics in the vehicle.

III

UNITED STATES' MOTION FOR RECIPROCAL DISCOVERY

To date, the United States has provided Defendant with 98 pages of discovery and two DVDs. The United States moves the Court to order Defendant to provide all reciprocal discovery to which it is entitled under Rules 16(b) and 26.2. Rule 16(b)(2) requires Defendant to disclose to the United States all exhibits and documents which Defendant "intends to introduce as evidence in chief at the trial" and a written summary of the names, anticipated testimony, and bases for opinions of experts Defendant intends to call at trial under Rules 702, 703, and 705 of the Federal Rules of Evidence.

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IV

CONCLUSION

For the foregoing reasons, the Government respectfully requests that its motion be granted.

DATED: December 20, 2007.

Respectfully submitted,

KAREN P. HEWITT
United States Attorney

s/ William A. Hall, Jr.
WILLIAM A. HALL, JR.
Assistant United States Attorney